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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,507	11/13/2001	Kaushik Barde	PD201127 (ONET 0103 PUS)	6474

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EXAMINER	
SHINGLES, KRISTIE D	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,507	BARDE ET AL.	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,7 and 10-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,7 and 10-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Per Applicant's Request for Continued Examination:

Claims 1, 3, 5, 7, 10, 11 and 14-17 have been amended.
Claims 2, 4, 6, 8 and 9 have been cancelled.
Claims 1, 3, 5, 7 and 10-17 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. The correction to **Claim 3** is accepted by the Examiner. Thus, the objection is withdrawn.

Claim Rejections - 35 USC § 112, second paragraph

4. The correction to **Claim 3** is accepted by the Examiner. The 35 U.S.C. 112, second paragraph rejection is therefore withdrawn.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 10 and 17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially current" in claims 10 and 17 is a relative term, which renders the claim indefinite. The term "substantially current" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by *Burns et al* (US 6,298,373).

a. **Per claim 1,** *Burns et al* teach a server load reduction system for viewing data from a master URL comprising:

- a client group of computers comprising a plurality of browsers receiving the master URL to browse to only when the data representing a target page has been completely distributed to said client group of computers (Figures 2 and 5, col.4 line 49-col.5 line 29, col.6 line 56-col.7 line 12, col.7 line 42-56; provision for pre-caching, with the cache server pre-loading content at the ISP for a client group of computers);

- a multicast server client storage location comprising a client browser cache and comprising logic automatically distributing the data to said client group of computers via multicast file distribution (Figure 5, col.7 lines 1-12, col.7 line 66-col.8 line 40); and

- a client server for determining that a potential URL is the desired master URL and loading the master URL to said multicast server client storage location (Figures 2-4, col.9 line 25-col.10 line 10).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 7 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Burns et al* (US 6,298,373) in view of *Beranek* (US 6,886,013).

a. **Per claim 7,** *Burns et al* teach a method for reduction of server load comprising:

- conducting a browse operation with a proxy browser to find a master URL (col.9 lines 25-48);
- requesting data contained in master URL for use by a plurality of client computers (col.9 line 56-col.10 line 20);
- receiving said data in a client server (col.9 line 56-col.10 line 20);
- said plurality of client computers receiving said master URL to browse to only when all of said data is loaded to said plurality of client computers (col.6 line 56-col.7 line 12, col.7 line 42-56, col.9 line 58-col.10 line 20); and
- said plurality of client computers attempting to browse to said master URL, whereby said plurality of client computers load said data on monitors of said plurality of client computers (col.9 line 56-col.10 line 20).

Yet *Burns et al* fail to explicitly teach storing said data in a client browser cache and automatically loading said data to said plurality of client computers from said client browser cache. However, *Beranek* teaches data storage in a client browser cache capable of loading data to the client computers from the client browser cache (col.8 lines 23-36, col.9 lines 1-7, col.11 lines 26-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Burns et al* with *Beranek* for the purpose of providing a client-side browser cache so that data can be stored and quickly retrieved for servicing future requests. This reduces the load on the content server and ISP by allowing data to be provided to the client locally without remotely accessing the content or ISP servers.

b. **Per claim 10,** *Burns et al* with *Beranek* teach the method according to claim 7, *Burns et al* further teach the method comprising the step of updating said proxy server to contain substantially current master URL data (col.10 line 37-col.11 line 14).

11. **Claims 11-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Burns et al* (US 6,298,373) in view of *Ibarra et al* (US 6,539,406).

a. **Per claim 7,** *Burns et al* teach a method for reduction of server load comprising:

- conducting a browse operation with a proxy browser to find a master URL (col.9 lines 25-48);
- requesting a unicast portion of data contained in said master URL for use by a first client (col.9 line 56-col.10 line 20);
- determining that said master URL is a desired master URL (col.4 line 49-col.5 line 29, col.6 line 56-col.7 line 12, col.7 line 42-56);
- requesting a multicast portion of said data contained in said master URL for use by said first client (col.9 line 25-col.10 line 47);
- receiving said multicast portion of said data in said multicast server (Figure 5, col.7 lines 1-12, col.7 line 66-col.8 line 40);
- automatically loading said multicast portion of said data from said multicast server to a plurality of client computers (Figure 5, col.7 lines 1-12, col.7 line 66-col.8 line 40);
- said plurality of client computers receiving said master URL to browse to only when all of said data is loaded to said plurality of client computers (col.6 line 56-col.7 line 12, col.7 line 42-56, col.9 line 58-col.10 line 20); and
- said plurality of client computers attempting to browse to said master URL, whereby said plurality of client computers load said data on monitors of said plurality of client computers (col.9 line 56-col.10 line 20).

Yet *Burns et al* fail to explicitly teach notifying a first client server when a proxy server contains all of said unicast portion of said data and notifying a multicast server when said proxy server contains al of said multicast portion of said data. However, *Ibarra et al* teach

sending notification to the user browser and a third party (server) when the data has been pre-cached (col.3 lines 54-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Burns et al* with *Ibarra et al* for the purpose of providing a notification system that notifies and alerts the server system and user when the data has been pre-cached at the proxy, in order to inform the user that the data is now available for the user to request, without having to endure any loading or retrieval delays.

b. **Per claim 17,** *Burns et al* and *Ibarra et al* teach the method according to claim 11, *Burns et al* further teach the method comprising the step of updating said proxy server to contain substantially current master URL data (col.10 line 37-col.11 line 14).

c. **Per claim 12,** *Burns et al* and *Ibarra et al* teach the method according to claim 11, *Burns et al* further teach the method wherein requesting said unicast portion of said data contained in said master URL further comprises requesting said unicast portion of said data contained in master URL for use by a second client (col.5 lines 21-28, col.7 line 51-col.8 line 67, col.10 lines 1-40).

d. **Per claim 13,** *Burns et al* and *Ibarra et al* teach the method according to claim 12, *Burns et al* further teach the method wherein requesting said multicast portion of said data contained in said master URL further comprises requesting said multicast portion of said data contained in said master URL for use by said second client (col.5 line 66-col.6 line 8, col.7 line 51-col.8 line 67, col.9 lines 25-65, col.10 lines 1-40).

e. **Per claim 14,** *Burns et al* and *Ibarra et al* teach the method according to claim 11, *Burns et al* further teach the method comprising downloading said multicast portion of said data to said first client server (col.5 line 66-col.6 line 8, col.7 line 51-col.8 line 67).

f. **Per claim 15,** *Burns et al* and *Ibarra et al* teach the method according to claim 11, *Ibarra et al* further teach the method wherein notifying said first client server when said proxy server contains all of said unicast portion of said data further comprises notifying said second client server when said proxy server contains all of said unicast portion of said data (col.3 lines 54-61).

g. **Claim 16** is substantially similar to claims 14 and 15 and is therefore rejected under the same basis.

12. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Burns et al* (US 6,298,373) and *Beranek* (US 6,886,013) in view of *Brendel et al* (USPN 5,774,660).

Per claim 3, *Burns et al* and *Beranek* teach the system of claim 1 as applied above, *Burns et al* teach the use of standard web browser applications (col.8 lines 5-23) yet fail to explicitly teach the server load reduction system according to claim 1 wherein at least two members of said group of user terminals operate different web browser programs. However, *Brendel et al* disclose use of different browsers accessed by the client users in the load-balancing distributed resource multi-node network (col.2 lines 9-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Burns et al* and *Beranek* with *Brendel et al* for the purpose of extending the compatibility of the system to support various types of web

browsers; because it would accommodate client users operating different types of browser programs.

13. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over and *Burns et al* (US 6,298,373) and *Beranek* (US 6,886,013) in view of *Marks et al* (USPN 6,463,447).

a. **Per claim 5,** *Burns et al* and *Beranek* teach the server load reduction system according to claim 1, as applied above, yet fail to explicitly teach the system wherein the data is transferred to said client from said proxy server through a SERGE transport system—a reliable information transfer system for multicast system. However, *Marks et al* teach the use of transferring multicast information over multicast channels with the use of IP Multicast transport protocols (col.7 lines 4-16). Although *Marks et al* does not explicitly disclose the SERGE transport system, since *Marks et al* does disclose support for IP Multicast transport protocols, it would have been obvious for one skilled in the art at the time the invention was made to also provision the SERGE transport system. Thus, the combination of *Burns et al* and *Beranek* with *Marks et al* would have been obvious since the caching server load reduction system employs the use of multicast protocols.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cohen et al (6,389,462), Decasper et al (6,917,960), Logue et al (5,935,207), Burns et al (6,324,182), Lowery et al (2002/0107934).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds

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SUPERVISORY PATENT EXAMINER